

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA)
RETIREMENT FUND, in its capacity as a)
fiduciary of the AFTRA Retirement Fund,)
individually and on behalf of all others)
similarly situated,) ECF Case
)
Plaintiff,) Civil Action No.: 09-cv-00686 (SAS)
v.)
)
JPMORGAN CHASE BANK, N.A.,)
)
Defendant.)
)

**DECLARATION OF ASHLEY C. KELLER IN SUPPORT OF
NEW YORK MERCANTILE EXCHANGE'S MOTION
TO QUASH JP MORGAN'S SUBPOENA**

I, Ashley C. Keller, declare as follows:

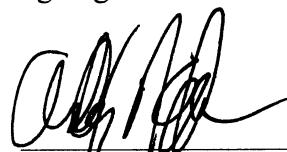
1. I submit this declaration in connection with the motion by the New York Mercantile Exchange, Inc. to quash the subpoena by JPMorgan Chase Bank, N.A. (“JPM”).
2. I am an associate with the law firm of Bartlit Beck Herman Palenchar & Scott LLP. I have been admitted to practice and am an attorney in good standing in the state of Illinois. I have personal knowledge of the facts set forth in this declaration. I am competent to testify to the matters set forth in this declaration, and I would do so if called to testify.
3. On April 16, 2010, I initiated a telephone call with Jonathan Hurwitz, counsel for JPM. During that call, Mr. Hurwitz stated that JPM would withdraw the

deposition subpoena issued by the United States District Court for the Northern District of Illinois and intended to serve a new deposition subpoena issued by the United States District Court for the Southern District of New York.

4. During that same April 16, 2010 call, Mr. Hurwitz stated that JPM had only served the initial subpoena issued by the Northern District of Illinois because it did not realize that NYMEX was properly within the jurisdiction of the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

This the 4th day of May, 2010.



A handwritten signature in black ink, appearing to read "Ashley C. Keller".

Ashley C. Keller